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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 9

June 2, 1992

No. 20

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JUN 04 1992

STATE DOCUMENTS

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Printed by the Legislative Council

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House Week in Review

With time ticking away in the 1992 legislative session, the House of Representatives heard a report last week from the conferees on the 1992-93 appropriations bill. It then resolved itself into a committee of the whole during which House members debated whether the Barnwell low level nuclear waste facility closing deadline should be extended.

In the committee of the whole, the House discussed not only if the Barnwell facility should remain open after the December 31, 1992 deadline, but also how much revenue it would generate if it were allowed to remain open until 1996. House members pointed out that limiting waste disposal at the site to the Southeastern Low Level Nuclear Waste Compact states would significantly reduce the amount of revenue the facility could be expected to generate over a four year period.

Although no official roll call votes are kept on committee of the whole proceedings, the House voted 61-47 to extend the operation of the Barnwell facility until 1996. In addition, the House also recorded its desire that a "good neighbor" policy be implemented regarding the location of nuclear, hazardous or solid waste disposal facilities near a state's border.

Aside from Thursday's discussion of Barnwell and the budget, the House spent most of last week debating the Energy Conservation and Efficiency Act legislation (S.1273), which remains on the House calendar in special order status.

A number of bills were either ratified as acts or enrolled for ratification. Among the legislation ratified were S.1446, the Housing Trust Fund; H.4432 Homicide by Child Abuse; H.4086, legislation making stalking a crime; and H.3550, which increases the penalties for illegal parking in handicapped parking spaces.

Legislation enrolled for ratification were S.1310, legislation on motor vehicle sunscreen devices; H.3364, the S.C. Prepaid Post Secondary Education Expense program; and S.1361, the S.C. Head and Spinal Cord Injury Information System Act.

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Objections sent H.3424, a bill to limit the number of terms legislators can serve, to the contested calendar. Also placed on the contested calendar was H.3594, another bill that would limit terms of state lawmakers and constitutional officers.

On Wednesday, the House and Senate met in joint session to elect judges and a number of board members.

Judges elected by the General Assembly on Wednesday include:

Circuit Court

3rd Circuit	Thomas W. Cooper Jr.
9th Circuit	State Rep. Daniel E. Martin
13th Circuit	Henry F. Floyd
At large, seat 5	Gary E. Clary

Family Court

1st Circuit, seat 2	Alvin C. Biggs
2nd Circuit, seat 1	Peter R. Nuessle
4th Circuit, seat 1	Jamie F. Lee
5th Circuit, seat 1	Robert H. Burnside
5th Circuit, seat 4	William M. Campbell Jr.
7th Circuit, seat 3	Stuart H. Hall
8th Circuit, seat 2	John M. Rucker
9th Circuit, seat 1	L. Mendel Rivers
9th Circuit, seat 3	Judge C. Bridges
11th Circuit, seat 1	W. Frank Rogers Jr.
12th Circuit, seat 3	Wylie H. Caldwell
13th Circuit, seat 3	Amy S. Sutherland
13th Circuit, seat 4	Joseph W. Board
14th Circuit, seat 2	Albert L. Kleckley
15th Circuit, seat 2	Kaye Gorenflo Hearn
16th Circuit, seat 1	David N. Wilburn Jr.
3rd Circuit, seat 1	Ruben L. Gray
4th Circuit, seat 2	J.L. Murdock Jr.
10th Circuit, seat 2	Robert H. Cureton
11th Circuit, seat 2	C. David Sawyer
12th Circuit, seat 1	Mary E. Buchan
16th Circuit, seat 2	Lee S. Alford

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Board members elected by the General Assembly Wednesday include:

Citadel Board of Visitors

Stephen D. Peper

Health and Human Services Finance Commission

2nd District

4th District

6th District

Sherrill Hampton

Frederick Furman Carpenter

Ralph W. Garrison Sr.

Consumer Affairs Commission

Robert J. Leapord

Lillian C. Bloom

Barbara B. League

Legislation Enacted This Session

The following legislation has been enacted by the General Assembly during the 1992 session.

Consolidated Governments (H.3681, Rep. Waites). The intent of this act is to provide a method of creating consolidated governments to fulfill the unique needs and demands of various county areas. This act provides the enabling legislation setting out the procedure for counties, municipalities and other political subdivision to provide for the joint administration of any function. This act specifically prohibits the abolishment of any constitutional office by consolidation.

Under this legislation, the county governing body would create a 18-member consolidated government charter commission to draw up the provisions of the consolidation. This commission could be created only upon the request of the county government or the petition of at least 10 percent of the county's registered voters.

Six of the 12-member commission will be appointed by the county. Four of these county representatives will have to live outside the limits of the county's largest municipality, and no more than two can be an elected official. Each special purpose districts (SPD) may have a representative on the commission according to an appointive index; however, no SPD may have more than four representatives on the commission. No more than two SPD officers may sit on the commission. The act also says that every charter commission must have at least one SPD representative if there is a special purpose district within the county.

The remaining six commission members will be municipal residents, appointed according to the appointive index outlined in the act. However, no single municipality could appoint more than four members to the commission, and only two elected municipal official will sit on the commission.

If a municipality or SPD refuses to appoint their proportionate number of representatives, the county governing board may fill those positions.

The commission will draft a proposed charter to provide for the abolishment of specified governments within the county and for the creation of a new single countywide government and the transfer of all powers and obligation of the governments to be consolidated.

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The charter also would call for all old public offices and government positions to be abolished, except constitutional officers, judges and school board members or school district employees.

The act establishes the membership of the consolidated governing board, the employee positions and offices to be set up under the new government, and the assumption of all obligations and indebtedness. Special purpose districts could be authorized to continue to perform their functions.

The charter speaks to tax levying and tax districts, and the method by which the charter could be amended or dissolved. However, once a consolidated political subdivision is formed it cannot be dissolved for four years.

The commission must complete its draft charter within a 12 month period. It then will be required to hold three public hearings and a county-wide referendum on the issue. The charter commission would have to decide how the consolidation question would be approved by voters: either by majority approval of the voters, or if the referendum is approved county-wide, but rejected by the voters in a municipality or special purpose district, then charter would have no effect on that municipality or special purpose district.

If the consolidated vote is not successful, it cannot be presented to the voters again for four years. The county must bear the expense of the referendum.

The consolidated government goes into effect when the members of the new consolidated government board are elected.

Signed into law 4-8-92.

State-Run Primary Elections (S.362, Sen. Holland). This legislation authorizes the State Election Commission and the respective county election commissions to conduct primary elections instead of the political parties. The exception is municipal elections. The primary election date remains the second Tuesday in June, under this legislation. Political parties certify the names of all candidates for the primary with the State Election Commission or county election commissions not later than May 1 for the June primary. Filing fees, which go for paying for the primary election, are set at one percent of the total salary for the term of that office or \$100, whichever is greater.

The State Election Commission and the respective county election commissions are responsible for preparing the primary election ballots. The legislation also stipulates how precinct managers will be chosen and challenges handled. This legislation still allows political parties to hold presidential preference primaries.

Signed into law 2-19-92.

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State Grand Jury Revisions (S.555, Sen. Pope). This legislation will broaden the scope of the statewide grand jury to investigate criminal activity relating to public corruption and election law violations. The state grand jury currently has the authority to investigate crimes involving multi-county drug trafficking and obscenity offenses.

Signed into law 5-4-92.

DSS Board Resolution (H.4321, Rep. McAbee). This joint resolution dissolved the South Carolina Board of Social Services and directed the General Assembly to elect new members to the DSS board. Further, all powers and duties of the DSS board were temporarily transferred to the State Budget and Control Board. The Budget and Control Board also appointed an interim director who reported directly to the Budget and Control Board. Former DSS Commissioner James Solomon could remain at his salary as a consultant until his resignation.

The resolution also placed the county DSS directors directly under the authority of the DSS commissioner until the General Assembly takes other action on this issue. The county DSS boards serve the county directors purely in an advisory capacity.

When the joint resolution was approved by the General Assembly, DSS was running a deficit in excess of \$15 million. The resolution states that the General Assembly is "gravely concerned with the refusal of the current South Carolina Board of Social Services to fulfill even its most basic statutory duties and its refusal to work effectively with the agency's own employees, to cooperate with other agencies and branches of state government, and importantly, to cooperate with and assist the General Assembly and the Executive Branch in efforts to help resolve the many financial and organizational problems of the State Department of Social Services."

The resolution further states that the "continual lack of leadership and poor judgment" demonstrated by the DSS board and its "shocking misuse of public resources" has created "a crisis for state government."

DSS recently announced that under the direction of the new commissioner, the department's deficit had been eliminated.

Signed into law 3-5-92.

Additional Requirements for Home Schooling (H.4114, Rep. Wright). This legislation proposes that home instruction taught by parents under the auspices of the S.C. Association of Independent Home Schools be allowed under the current Home Schooling statutes.

The act requires that parents be bona fide members of the association and comply with the association's academic standards to be exempted from meeting further state-mandated requirements under the Home School statutes.

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The State Department of Education will annually review the standards of the association to ensure they meet certain requirements, including that the parent instructing children at home hold a high school diploma or a GED certificate, that instruction be conducted for a minimum of 180 days each year, and that the association standards comply with basic instructional areas.

Signed into law 4-8-92.

Encouraging Post-Secondary Education (S.361, Sen. Setzler). The purpose of this legislation is to encourage more high school students in South Carolina to go on to college by making sure parents and students receive information on the courses required for college entrance and the financial aid available. Under the provisions of this act, which would be added as part of the Education Improvement Act, the state Commission on Higher Education will work with state and private higher education institutions to develop an information package on college opportunities in South Carolina, the course requirements for college admission and the financial aid available. The information will be for distribution to 8th grade students and their parents. The information packages will be pilot tested during the 1991-92 school year in a number of school districts, with the Higher Education Commission reporting back the results to the House and Senate Education committees.

In addition, the commission will work with the public and private higher education institutions to provide yearly small group and one-to-one counseling sessions to explain to 8th grade students and their parents the educational opportunities open to them at the post secondary level. These will be held at each public school that has an 8th grade. These counseling sessions will be available during a time promoted as "Education Options Week."

Public schools and public school districts will work with the commission on coordinating the information packages and sessions for their 8th graders and parents. And businesses will be encouraged to allow their employees to participate in these session with their 8th grade children.

Signed into law 2-26-92.

School Breakfast Program (H.4005, Rep. Jimmy Bailey). This joint resolution requires all school districts in the state to implement in each school a school breakfast program beginning with the 1993-94 school year. The State Department of Education may grant a school district a waiver if the breakfast program would cause severe scheduling hardships or require the purchase of equipment that would cause severe hardship. The joint resolution notes of the 701 "severe need" schools in the state -- those in which at least 40 percent of the students qualify for free or discounted lunches -- 112 do not have a school breakfast program.

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Another 108 schools, which have between 25 and 40 percent of their students eligible for free or discounted meals, also do not have a breakfast program. The legislation points out that studies have shown hungry children have lower achievement test scores, are tardy more often and have more health problems. The joint resolution also notes that the USDA reimburses schools 90 cents for free breakfasts and 60 cents for discounted breakfasts. Through federal reimbursements for these meals, the state will receive an estimated \$9.3 million in additional revenue, according to the legislation.

Signed into law 3-26-92.

Dangerous Animal Act (H.3777, Rep. Cromer). This legislation would broaden the provisions of the dangerous dog law to include dangerous animals, not just dogs. The act defines a dangerous animal as that which the owner knows has a propensity to attack, or makes unprovoked attacks causing bodily harm, or primarily is kept for fighting. The act specifically excludes agricultural animals from the definition, or an animal that attacks a trespasser. The legislation also states that an animal is not classified as dangerous by virtue of its breed or species.

Dangerous animals must be confined on the owner's property and the animal may not leave the premises unless safely restrained. The act gives law enforcement the authority to impound an dangerous animal not confined as required by this act while a trial is pending.

The act upgrades violation of the dangerous animal provisions from a misdemeanor to a felony for attacks on humans. First offense violation for an attack causing bodily harm to a person would bring a \$5,000 fine, or a jail term of 36 months. Second offense punishment would be punishable by a \$10,000 fine or up to five years in jail.

An attack by a dangerous animal on another animal is a misdemeanor carrying a \$200 fine or 30 days in jail. Subsequent offenses would result in a \$1,000 fine, none or which may be suspended or remitted.

The animal owner would be liable for the medical expenses of the victim of an attack and the expenses of the local government for seizing the animal.

Owners of dangerous animals will have to register the animal with the local county law enforcement agency and provide proof of holding at least \$50,000 in liability insurance. The local government must provide the owner with a metal identification tag, which must be worn by the animal at all times. Public personnel, such as law enforcement, firemen, utility workers and postal employees, are authorized to use reasonable force to repel an attack. Further, the public employee is not liable for damages taken to repel the attack.

Signed into law 5-19-92.

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The following bills were passed by the General Assembly but vetoed by the Governor.

House Reapportionment Bill (H.3834, Rep. Wilkins). This legislation reapportions the S.C. House of Representatives in accordance with the 1990 U.S. Census figures. According to the Census figures, each House district should have a population of 28,118 in order to comply with the federal court "one man, one vote" rulings. Although the total number of House districts stays at 124, this legislation created two new districts -- one in Dorchester and other mostly in Horry County.

Due to the gubernatorial veto of this bill, the U.S. District Court reapportioned the S.C. House. The court's reapportionment plan was released this month.

Ratified 1-23-92; vetoed 1-29-92.

Senate Reapportionment (S.1003, Senate Judiciary Committee). This legislation reapportioned the state Senate according to the 1990 U.S. Census figures. The bill, too, was vetoed by the governor. The Senate also recently received the federal court plans reapportioning its 46 seats.

Ratified 1-23-92; vetoed 1-29-92.

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In Conference Committee

The following bills are currently before House-Senate conference committees.

H.3044 -- 1992-93 State Appropriations Bill

S.883 -- Offender Management Act

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Legislation Passed by the House

The following legislation has been passed by the House of Representatives and now may be ratified as an act, enrolled for ratification, pending on the Senate calendar or pending before a Senate committee. Please consult the bill summary for its current status.

Homicide by Child Abuse (H.4432, Rep. Wilkins). This legislation creates a new felony -- homicide by child abuse. A person who causes the death of a child under the age of 11 through child abuse or neglect or "under circumstances manifesting an extreme indifference to human life" would be guilty of this crime. In addition, a person who knowingly allows the abuse or neglect resulting in the death could also be charged. Conviction or a guilty plea would result in a 20 year to life sentence for committing the act, and a 10 to 20 year sentence for knowingly allowing the death.

The legislation specifically notes that in sentencing the judge could consider any aggravating circumstances, including the defendant's past history of child abuse. However, the bill states that a child's crying would not constitute provocation so as to be a mitigating circumstance.

Status: Passed the House 4-3-92; passed the Senate 5-19-92; ratified 5-27-92.

Crime of Stalking (H.4086, Rep. Rudnick). Under this bill, it would be a crime to wilfully, maliciously and repeatedly follow or harass another person and make a credible threat with the intent to place that person in reasonable fear of death or great bodily injury. This crime would carry up to a year in prison and/or up to a \$1,000 fine. A person under a restraining order and who repeatedly follows or harasses another person and makes a credible threat is also guilty of stalking. This offense would carry a fine of \$1,000 and/or two years in jail.

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A person could be charged with stalking again if similar incidence occur within seven years of the first incidence in which the person was convicted of the crime. The legislation specifically says this offense would not pertain to labor picketing.

Status: Passed the House 4-9-92; passed the Senate 5-19-92; ratified 5-27-92.

Felony and Misdemeanor Classification Bill (H.3400, Rep. Wilkins). This bill, written by the Sentencing Guidelines Commission, would place approximately 700 criminal offenses with a maximum term of one year or more into different categories based on the seriousness of the offense. The bill specifies nine categories of offenses -- six felonies and three misdemeanors. Each of the categories carries a maximum term of imprisonment.

Status: Passed the House 5-2-91; passed in Senate 5-14-92; enrolled for ratification.

Housing Trust Fund Act (S.1446, Sen. Lourie). This legislation would establish the S.C. Housing Trust Fund, which will be used to increase the supply of safe, decent and affordable housing to members of the very low or lower income households. Funding will be used to make loans, grants or provide for matching funds to secure financial assistance for affordable housing. No project or development could receive money from the fund unless the housing units are reserved exclusively for the use of members of very low or low income households for at least 30 years.

The state treasurer will be the trustee of the fund, which must be maintained separately from the General Fund. The money will be dispersed only with the signature of the chairman of the S.C. State Housing Finance and Development Authority and the board's executive director. A nine-member advisory committee will be created to advise the board on particularly critical housing needs. At least two of the board members must represent low income groups.

The board's executive director will develop a comprehensive program for the use of the funds to ensure equitable distribution of the money between urban and rural areas, devise and implement an application system, provide technical assistance to applicants, and ensure all developments receiving assistance comply with the state's Fair Housing Act. Monies granted for implementation of an affordable housing project must go to non-profit groups only. No more than 20 percent of the money available from the trust fund in a fiscal year could go to any one county.

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The Housing Trust Fund will receive funding from the sale of deed stamps -- 20 cents of the deed stamp on those sales of over \$100 but not exceeding \$500 and 20 cents of the tax on each additional increment of \$500 would go to the Housing Trust Fund.

Status: Passed the Senate 4-8-92; passed the House 5-21-92; ratified 5-27-92.

Handicapped Parking Penalties (H.3550, Rep. Cromer). This legislation will substantially increase the fines for violation of the handicapped parking laws. Parking fines will be raised from the current \$25 to a fine of not less than \$100 to not more than \$200 or 30 days in jail for each offense.

In addition, the act will change the special restricted driver's license issued for controlled substance violations to allow students enrolled in a college or university to drive back and forth between classes or jobs during the time their regular licenses are suspended.

The legislation also authorizes the use of a uniform parking ticket for handicapped parking violations on public or private property by all law enforcement or security officers. The uniform parking ticket will allow for the tracking of violators by tag number and recording the violation with the State Highway Department's division of motor vehicles. The legislation spells the punishments for unaccounted tickets or for failure to forward tickets in a timely manner.

Status: Passed the House 4-26-91; passed the Senate 4-23-92; ratified 5-27-92.

Sunscreens and Motor Vehicles (S.1310, Sen. J. Verne Smith). The provisions of this legislation apply only to sunscreen devices not installed at the factory; if no after-the-factory installed sunscreen devices has been added to the vehicle the light transmission provisions of the act do not apply.

The legislation amends the 1988 sun screening provisions and allow for darker window tinting on motor vehicles. The act decreases the allowable light transmission through tinted windows from not less than 35 percent to not less than 27 percent.

Each vehicle equipped with after-factory sunscreening devices, whether installed by the consumer or professional tinter, must bear a certificate of compliance. The certificate, to be designed by the State Highway Department, must be displayed on the lower right hand corner of each window with a sunscreen device.

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Each certificate of compliance must describe the percentage of light transmission, the identity of the installer including name, address and telephone number, and the date of installation. Manufacturers that provide sunscreening devices for sale to consumers must provide the certificate of compliance. The manufacturers also must include instructions for the proper installation of the sunscreen.

The legislation allows tinting on windshield, but not below the AS1 line. If the AS1 line is not visible, then no sunscreening device could be placed on the windshield. The act also allows tinting on the side windows and side wings of the vehicle as long as the light transmission is not less than 27 percent. If a sunscreening device with not less than a 20 percent light transmission are used on the rear-most window, the vehicle must have a right and left outside rearview mirror. Beginning January 1, 1993, any single sunscreening device applied to the rear most window of a vehicle must not be less than 27 percent. A vehicle with sunscreening devices with not less than 20 percent light transmission but complies with the outside rearview mirror provisions on January 1, 1993 is not considered to be in violation as long as the original sunscreen is in place. These provisions apply to the windows behind the driver's of pick-up trucks, but not the behind-the-driver windows of trucks, buses, trailers, mobile homes or recreational vehicles.

A professional window tinter who violates these new provisions must be tried in magistrate's court on a misdemeanor charge and fined not less than \$1,000 and/or jailed for not more than 30 days for each offense. A consumer who violates the certificate of compliance provisions is guilty of a misdemeanor, triable in magistrate's court, carrying a fine of \$200 or 30 days in jail for each offense.

Drivers requiring the sunscreening for medical reasons must have an affidavit from a physician or optometrist in the vehicle at all times to be shown to a law enforcement officer upon request. The affidavit must be updated every two years.

The Highway Department is directed to promulgate regulations prescribing the enforcement of this legislation including the procedure and mechanism to measure light transmission. Inspection stations would not be required to test light transmission for purposes of enforcing these provisions.

Status: Passed the Senate 3-12-92; passed the House 5-27-92; enrolled for ratification 5-28-92.

S.C. Prepaid Postsecondary Education Expense Program (H.3364, Rep. Kirsh). The legislation directs the State Commission on Higher Education to study and make recommendations on the "appropriate elements" for a South Carolina Prepaid Postsecondary Tuition Plan. The commission will make its recommendations to the General Assembly by January 15, 1993.

Status: Passed by the House 5-14-91; passed by the Senate 4-30-92; enrolled for ratification 5-27-92.

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Coin-Operated Machines (S.417, Sen. Waddell). This legislation, also known as the Video Poker bill, would repeal provisions in the code that exempt video poker machines and other coin operated non-payout machines with a free play feature from the state's unlawful gaming tables and unlawful games and betting laws. However, ownership or possession of a non-payout machine would not be considered illegal under provisions of the bill. The legislation also would allow municipalities and counties, by ordinance, to license the premises where coin-operated machines are located, stipulate how much the license fees must be and how the license must be displayed on the machine.

Status: Passed the Senate 2-19-91; amended and passed the House 4-16-91; House amendments amended, returned to the House 5-28-92.

Shorter Legislative Sessions (H.3127, Rep. Wilkins). This joint resolution proposes changing the constitution to allow the General Assembly to hold shorter sessions. Under this joint resolution, the Legislature would convene on the second Tuesday in February each year, instead of the second Tuesday in January. The Senate would also be required to have an organizational session following Senate elections like the one currently required of the House of Representatives.

Status: Passed the House 2-7-91; set for special order in the Senate, debate interrupted by adjournment 5-28-92.

Drug Testing of State Employees (H.3515, Rep. Neilson). This legislation outlines the procedures to be followed for state employee drug testing and the testing of applicants for state jobs. The legislation addresses what procedures must be followed by employers when instituting drug testing for employees or applicants. It states how the drug testing must be performed, how employees are selected for the testing, how specimen collection must be performed and test results handled, and the rights of employees and employers in connection with this procedure.

The legislation also specifies how laboratories may be selected, what procedures the laboratory must use in testing and reporting the results, the confidentiality of drug testing and its results, and what actions may be sought for violation of this legislation.

Status: Passed the House 5-7-91; pending in Senate Judiciary Committee.

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Legislative Adjournment and the Budget Process (H.3128, Rep. Wilkins). Under this proposed constitutional change, mandatory adjournment would be moved up one month to the first Thursday in May. In addition, this bill would change the times the state Board of Economic Advisors would issue their forecasts. The legislation proposed the initial forecast of economic conditions be made by October 15, not the current November 1, and that any adjustments to this forecast could be downward adjustments only. The bill also would authority the budget writing committees of the House and Senate to sit jointly to hold budget hearing, beginning on the second Tuesday in December. In addition, the bill would prohibit supplemental appropriations from being included in the General Appropriations Act.

Status: Passed the House 2-7-91; pending in Senate Judiciary Committee.

School Children and Residency (H.3011, Rep. Kirsh). Under this legislation, current laws which allow children who own property in a school district to attend school in that district would be eliminated. If this bill is enacted, school children could attend public schools only in the districts in which they reside. This legislation has been considered in previous sessions.

Status: Passed the House 2-21-91; pending in Senate Education Committee.

Removal of Judges (H.4117, Rep. Kirsh). This joint resolution seeks to amend the state constitution to allow the state Supreme Court, after a hearing, to remove a judge from office for misconduct in office.

Status: Passed the House 2-27-92; pending on Senate calendar with favorable report.

Vehicle Inspection (H.3092, Rep. Bruce). This legislation would repeal the state statutes requiring the inspection of vehicles.

Status: Passed the House 3-6-91; reported out of Senate Transportation Committee majority favorable, minority unfavorable.

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Revision of the Board of Economic Advisors (H.4215, Rep. Sheheen). The composition of the Board of Economic Advisors would be revised under this legislation. Under the proposal, the membership of the board would be:

- One member appointed by the governor possessing specific working knowledge and experience in economics, revenue forecasting and the state budget process. This member would serve as chairman;
- The chairman of the State Tax Commission (unchanged from current board);
- The director of the Budget and Control Board's Budget Division (currently the director of the Research and Statistical Services Division);
- A member appointed by the House Ways and Means chairman who possesses knowledge of the state budget process, revenue forecasting and economics. (This appointment would eliminate the chief economist of the Division of Research and Statistical Services from the board);
- A member appointed by the Senate Finance Committee chairman with the same expertise and described above.

Instead of being staffed by the State Budget and Control Board's executive director's office and its Division of Research and Statistic Services, the Board of Economic Advisors would have its own three member staff. This staff would be assisted by professionals from the staffs of the governor, House Ways and Means Committee and Senate Finance Committee, the State Tax Commission, and the budget division staff of the State Budget and Control. The legislation specifies that the BEA staff must meet monthly with the other budget professionals to solicit their input.

Any governmental entity identifying or requesting a change in the official revenue and expenditure forecast would first notify the BEA chairman who would then notify the governor prior to any independent adjustments. The House Ways and Means and Senate Finance committees must be the next notified after the governor, and both committees must be informed simultaneously. The bill stipulates that the BEA meet quarterly, or at the call of the governor, General Assembly or chairman, or at the request of any board member who believes a meeting is necessary due to existing financial circumstances.

The bill also would require the board to monitor the flow of revenue for the current fiscal year in comparison to the revenue estimates. If the collections fall more than 1.5 percent below projections for the quarter, the BEA must prepare a synopsis which details the factors that contributed to the shortfall, the fiscal impact of the shortfall on the current and subsequent fiscal years, and whether collections will make up for the deficit.

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A similar report would be required if any of the following tax categories fall 1.5 percent below the projections: sales tax, individual income tax, corporate income tax, earnings on investments and insurance premium taxes. Further, any vacancy occurring in the position of director of the Budget Division of the Budget and Control Board must be filled by an appointment made by the board itself.

Status: Passed the House 4-23-92; recalled from Senate Judiciary Committee 5-20-92.

School Prayer (H.4160, Rep. Meacham). This bill would authorize a one-minute period of silent prayer to be observed at the beginning of each school day in all public elementary and secondary schools in South Carolina. Students would participate on a voluntary basis. The bill does not authorize any teacher or student to use these provisions to promote any particular religious viewpoint.

Status: Passed the House 4-9-92; pending before Senate Education Committee.

Executive Cabinet (H.4334, Rep. Wilkins). This joint resolution proposes a constitutional amendment to create an executive cabinet of the governor consisting of 15 members by January 15, 1995. The joint resolution states that the 15 cabinet members would act as heads of departments "organized as far as practicable according to major purposes and functions as determined by the General Assembly." The department heads would be appointed by the governor with the advice and consent of the General Assembly, whose voting on the matter must be recorded. The cabinet members would serve at the pleasure of the governor. No person, or member of his family, who has contributed \$1,000 or more to the governor in a one year period, may be appointed to a cabinet position.

The joint resolution directs state agencies to perform their functions under the supervision of the cabinet department head responsible for their governmental function. No judicial or legislative agency would come under the executive cabinet, and nothing in the act could affect or diminish the office, powers or duties of the state constitutional officers.

The proposed amendment for a cabinet form of government would be submitted to the voters in a statewide referendum during the November general election if the joint resolution is passed by the Legislature.

Status: Passed the House 4-28-92; Senate Judiciary Committee report favorable with amendments.

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Informed Decision for Abortion Act (H.4331, Rep. Corning). No abortion could be performed or induced except with the voluntary and informed decision of the woman involved if this legislation is enacted.

Except in a medical emergency, an informed, voluntary decision for an abortion is defined in the bill as the woman being told by the performing physician, the referring physician or allied health professional of the medical risks associated with abortion and the probable gestation age of the fetus as the time of the abortion.

The woman also would be informed that she has the right to review state-provided printed materials which would describe the unborn child, list agencies offering alternatives to abortion including adoption agencies, describe the medical assistance available for prenatal, childbirth and neonatal medical care. The material also would contain information regarding child support payments.

Before the abortion is performed, the woman must state in writing that she has been informed of the gestation age of the fetus, the medical risks associated with abortion, and the availability of written material. The doctor would have to receive a copy of the woman's statement before the abortion could be performed. Further, the informed decision provision require that the same information be offered to a man seeking a vasectomy.

In the case of a mentally retarded woman, the woman's family may make the informed decision in connection with an abortion. The doctor must state why the informed decision statement was not signed by the patient.

The state Department of Health and Environmental Control would be directed to develop the printed materials described in the bill and make them available to patients at no cost.

In an medical emergency, the doctor, if possible, would inform the woman of the medical indications that support the decision that an abortion is necessary. A person who performs an abortion without following the provisions of this legislation would be guilty of a misdemeanor, punishable by a fine between \$500 and \$1,000.

Status: Passed the House 4-9-92; Senate Judiciary Committee polled, favorable.

Special Interest Caucuses (H.4290, Rep. Fulmer). The original provisions of this bill changed the definition of a legislative caucus to that which included a group of legislators committed to a particular subject or issue. This would have allowed a special interest caucuses to be lobbied and otherwise entertained by lobbyists and lobbyists' principals under the new Ethics law. However, the legislation, as passed by the House, contains some very different provisions from those originally proposed. This bill now eliminates caucuses altogether from the list of groups that legally may be offered food, lodging, transportation, entertainment or an invitation to a function by a lobbyist or lobbyist principal.